

House Engrossed

FILED

**KEN BENNETT
SECRETARY OF STATE**

State of Arizona
House of Representatives
Forty-ninth Legislature
Second Regular Session
2010

CHAPTER 136

HOUSE BILL 2371

AN ACT

AMENDING SECTION 32-101, ARIZONA REVISED STATUTES; RELATING TO HOME INSPECTORS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 32-101, Arizona Revised Statutes, is amended to
3 read:

4 32-101. Purpose; definitions

5 A. The purpose of this chapter is to provide for the safety, health
6 and welfare of the public through the promulgation and enforcement of
7 standards of qualification for those individuals registered or certified and
8 seeking registration or certification pursuant to this chapter.

9 B. In this chapter, unless the context otherwise requires:

10 1. "Advertising" includes business cards, signs or letterhead provided
11 by a person to the public.

12 2. "Architect" means a person who, by reason of knowledge of the
13 mathematical and physical sciences and the principles of architecture and
14 architectural engineering acquired by professional education and practical
15 experience, is qualified to engage in the practice of architecture as
16 attested by registration as an architect.

17 3. "Architect-in-training" means a candidate for registration as a
18 professional architect who is a graduate of a school approved by the board or
19 who has five years or more of education or experience, or both, in
20 architectural work which meets standards specified by the board in its rules.
21 In addition, the candidate shall have passed the architect-in-training
22 examination.

23 4. "Architectural practice" means any professional service or creative
24 work requiring architectural education, training and experience, and the
25 application of the mathematical and physical sciences and the principles of
26 architecture and architectural engineering to such professional services or
27 creative work as consultation, evaluation, design and review of construction
28 for conformance with contract documents and design, in connection with any
29 building, planning or site development. A person shall be deemed to practice
30 or offer to practice architecture who in any manner represents that the
31 person is an architect, or is able to perform any architectural service or
32 other services recognized by educational authorities as architecture.

33 5. "Assayer" means a person who analyzes metals, ores, minerals, or
34 alloys in order to ascertain the quantity of gold or silver or any other
35 substance present in them. A person employed on a full-time basis as an
36 assayer by an employer engaged in the business of developing, mining or
37 treating ores or other minerals shall not be deemed to be engaged in assaying
38 practice for the purposes of this chapter if the person engages in assaying
39 practice exclusively for and as an employee of such employer and does not
40 represent that the person is available and is not represented as being
41 available to perform any assaying services for anyone other than the person's
42 employer.

43 6. "Assayer-in-training" means a candidate for registration as a
44 professional assayer who is a graduate of a school and curriculum approved by
45 the board or who has four years or more of education or experience, or both,

1 in assaying work which meets standards specified by the board in its rules.
2 In addition, the candidate shall have passed the assayer-in-training
3 examination.

4 7. "Assaying practice" means any professional service or work
5 requiring assaying education, training and experience and the application of
6 special knowledge of the mineral sciences to such service or work as
7 consultation and the evaluation of minerals. A person is deemed to practice
8 or offer to practice assaying who in any manner represents that the person is
9 an assayer or is able to perform any assaying service or other services
10 recognized by educational authorities as assaying.

11 8. "Board" means the state board of technical registration.

12 9. "Certified remediation specialist" means a person who has been
13 certified by the board to perform, supervise and review environmental
14 remediations if the use of a certified remediation specialist is specifically
15 authorized by title 49 and rules adopted pursuant to title 49.

16 10. "Drug laboratory site remediation firm" means a firm that is
17 licensed by the registrar of contractors pursuant to chapter 10 of this title
18 and that performs remediation of residual contamination from the manufacture
19 of methamphetamine, ecstasy or LSD or the storage of chemicals or equipment
20 used in manufacturing methamphetamine, ecstasy or LSD. For the purposes of
21 this paragraph:

22 (a) "Ecstasy" has the same meaning prescribed in section 13-3401,
23 paragraph 6 and includes any of the precursor chemicals, regulated chemicals,
24 other substances or equipment used in the unlawful manufacture of the
25 dangerous drug.

26 (b) "LSD" has the same meaning prescribed in section 13-3401,
27 paragraph 6 and includes any of the precursor chemicals, regulated chemicals,
28 other substances or equipment used in the unlawful manufacture of the
29 dangerous drug.

30 (c) "Methamphetamine" has the same meaning prescribed in section
31 13-3401, paragraph 6 and includes any of the precursor chemicals, regulated
32 chemicals, other substances or equipment used in the unlawful manufacture of
33 the dangerous drug.

34 11. "Engineer" means a person who, by reason of special knowledge of
35 the mathematical and physical sciences and the principles and methods of
36 engineering analysis and design acquired by professional education and
37 practical experience, is qualified to practice engineering as attested by
38 registration as a professional engineer.

39 12. "Engineering practice" means any professional service or creative
40 work requiring engineering education, training and experience and the
41 application of special knowledge of the mathematical, physical and
42 engineering sciences to such professional services or creative work as
43 consultation, research investigation, evaluation, planning, surveying as
44 defined in paragraph 22, subdivisions (d) and (e), design, location,
45 development, and review of construction for conformance with contract

documents and design, in connection with any public or private utility, structure, building, machine, equipment, process, work or project. Such services and work include plans and designs relating to the location, development, mining and treatment of ore and other minerals. A person shall be deemed to be practicing or offering to practice engineering if the person practices any branch of the profession of engineering, or by verbal claim, sign, advertisement, letterhead, card or any other manner represents that the person is a professional engineer, or is able to perform or does perform any engineering service or other service recognized by educational authorities as engineering. A person employed on a full-time basis as an engineer by an employer engaged in the business of developing, mining and treating ores and other minerals shall not be deemed to be practicing engineering for the purposes of this chapter if the person engages in the practice of engineering exclusively for and as an employee of such employer and does not represent that the person is available and is not represented as being available to perform any engineering services for persons other than the person's employer.

13. "Engineer-in-training" means a candidate for registration as a professional engineer who is a graduate in an approved engineering curriculum of four years or more of a school approved by the board or who has had four years or more of education or experience, or both, in engineering work which meets standards specified by the board in its rules. In addition, the candidate shall have passed the engineer-in-training examination.

14. "Firm" means any individual or partnership, corporation or other type of association, including the association of a nonregistrant and a registrant who offers to the public professional services regulated by the board.

15. "Geological practice" means any professional service or work requiring geological education, training and experience, and the application of special knowledge of the earth sciences to such professional services as consultation, evaluation of mining properties, petroleum properties and groundwater resources, professional supervision of exploration for mineral natural resources including metallic and nonmetallic ores, petroleum and groundwater, and the geological phases of engineering investigations.

16. "Geologist" means a person, not of necessity an engineer, who by reason of special knowledge of the earth sciences and the principles and methods of search for and appraisal of mineral or other natural resources acquired by professional education and practical experience is qualified to practice geology as attested by registration as a professional geologist. A person employed on a full-time basis as a geologist by an employer engaged in the business of developing, mining or treating ores and other minerals shall not be deemed to be engaged in geological practice for the purposes of this chapter if the person engages in geological practice exclusively for and as an employee of such employer and does not represent that the person is

1 available and is not represented as being available to perform any geological
2 services for persons other than the person's employer.

3 17. "Geologist-in-training" means a candidate for registration as a
4 professional geologist who is a graduate of a school approved by the board or
5 who has had four years or more of education or experience, or both, in
6 geological work which meets standards specified by the board in its rules.
7 In addition, the candidate shall have passed the geologist-in-training
8 examination.

9 18. "Home inspection" means a visual analysis for the purposes of
10 providing a professional opinion of the building, any reasonably accessible
11 installed components and the operation of the building's systems, including
12 the controls normally operated by the owner, for the following components of
13 a residential building of four units or less:

14 (a) Heating system.

15 (b) Cooling system.

16 (c) Plumbing system.

17 (d) Electrical system.

18 (e) Structural components.

19 (f) Foundation.

20 (g) Roof covering.

21 (h) Exterior and interior components.

22 (i) Site aspects as they affect the building.

23 (j) PURSUANT TO RULES ADOPTED BY THE BOARD, SWIMMING POOL AND SPA.

24 19. "Home inspection report" means a written report that is prepared
25 for compensation, that is issued after a home inspection and that clearly
26 describes and identifies the inspected systems, structures and components of
27 a completed dwelling and any visible major defects found to be in need of
28 immediate major repair and any recommendations for additional evaluation by
29 appropriate persons.

30 20. "Home inspector" means an individual who is certified pursuant to
31 this chapter as a home inspector and who engages in the business of
32 performing home inspections and writing home inspection reports.

33 21. "Home inspector-in-training" means a candidate for certification as
34 a home inspector who has completed a course of study approved by the board
35 and WHO is participating in a training program that complies with standards
36 recommended by the home inspector rules and standards committee and approved
37 by the board.

38 22. "Land surveying practice" means the performance of one or more of
39 the following professional services:

40 (a) Measurement of land to determine the position of any monument or
41 reference point which marks a property line, boundary or corner for the
42 purpose of determining the area or description of the land.

43 (b) Location, relocation, establishment, reestablishment, setting,
44 resetting or replacing of corner monuments or reference points which identify
45 land boundaries, rights-of-way or easements.

1 (c) Platting or plotting of lands for the purpose of subdividing.

2 (d) Measurement by angles, distances and elevations of natural or
3 artificial features in the air, on the surface and immediate subsurface of
4 the earth, within underground workings and on the surface or within bodies of
5 water for the purpose of determining or establishing their location, size,
6 shape, topography, grades, contours or water surface and depths, and the
7 preparation and perpetuation of field note records and maps depicting these
8 features.

9 (e) Setting, resetting or replacing of points to guide the location of
10 new construction.

11 23. "Land surveyor" means a person who by reason of knowledge of the
12 mathematical and physical sciences, principles of land surveying and evidence
13 gathering acquired by professional education or practical experience, or
14 both, is qualified to practice land surveying as attested by registration as
15 a land surveyor. A person employed on a full-time basis as a land surveyor
16 by an employer engaged in the business of developing, mining or treating ores
17 or other minerals shall not be deemed to be engaged in land surveying
18 practice for purposes of this chapter if the person engages in land surveying
19 practice exclusively for and as an employee of such employer and does not
20 represent that the person is available and is not represented as being
21 available to perform any land surveying services for persons other than the
22 person's employer.

23 24. "Land surveyor-in-training" means a candidate for registration as a
24 professional land surveyor who is a graduate of a school and curriculum
25 approved by the board, or who has four years or more of education or
26 experience, or both, in land surveying work which meets standards specified
27 by the board in its rules. In addition, the candidate shall have passed the
28 land surveyor-in-training examination.

29 25. "Landscape architect" means a person who, by reason of professional
30 education or practical experience, or both, is qualified to engage in the
31 practice of landscape architecture as attested by registration as a landscape
32 architect.

33 26. "Landscape architect-in-training" means a candidate for
34 registration as a professional landscape architect who is a graduate of a
35 school approved by the board or who has had four years or more of education
36 or experience, or both, in landscape architectural work which meets standards
37 specified by the board in its rules. In addition, the candidate shall have
38 passed the landscape architect-in-training examination.

39 27. "Landscape architectural practice" means the performance of
40 professional services such as consultations, investigation, reconnaissance,
41 research, planning, design or responsible supervision in connection with the
42 development of land and incidental water areas where, and to the extent that,
43 the dominant purpose of such services is the preservation, enhancement or
44 determination of proper land uses, natural land features, ground cover and
45 planting, naturalistic and aesthetic values, the settings of and approaches

1 to buildings, structures, facilities or other improvements, natural drainage
2 and the consideration and the determination of inherent problems of the land
3 relating to erosion, wear and tear, light or other hazards. This practice
4 shall include the location and arrangement of such tangible objects and
5 features as are incidental and necessary to the purposes outlined in this
6 paragraph but shall not include the making of cadastral surveys or final land
7 plats for official recording or approval, nor mandatorily include planning
8 for governmental subdivisions.

9 28. "On-site supervisor" means the employee of a drug laboratory site
10 remediation firm who is authorized to oversee on-site workers in the
11 performance of their duties.

12 29. "On-site worker" means an employee of a drug laboratory site
13 remediation firm who has on-site duties or who handles contaminated
14 materials, chemicals or contaminated equipment.

15 30. "Person" means any individual, firm, partnership, corporation,
16 association or other organization.

17 31. "Principal" means an individual who is an officer of the
18 corporation or is designated by a firm as having full authority and
19 responsible charge of the services offered by the firm.

20 32. "Registrant" means a person registered or certified by the board.

21 33. "Registration" means a registration or certification issued by the
22 board.

APPROVED BY THE GOVERNOR APRIL 23, 2010.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 26, 2010.